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09/838,740	04/19/2001	Mark Weinzierl	107870.00026	9331
7590	01/05/2004		EXAMINER	
Robrt C. Klinger Jackson Walker L.L.P., Suite 600 2435 North Center Expressway Richardson, TX 75080			CASIANO, ANGEL L	
			ART UNIT	PAPER NUMBER
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Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	09/838,740	WEINZIERL ET AL.
	Examiner Angel L. Casiano	Art Unit 2182

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 16 October 2003.

2a) This action is FINAL.      2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 1-20 and 22-25 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5) Claim(s) \_\_\_\_\_ is/are allowed.

6) Claim(s) 1-20 and 22-25 is/are rejected.

7) Claim(s) \_\_\_\_\_ is/are objected to.

8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. §§ 119 and 120

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All b) Some \* c) None of:

    1. Certified copies of the priority documents have been received.

    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.

    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

13) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

a) The translation of the foreign language provisional application has been received.

14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

#### Attachment(s)

1) Notice of References Cited (PTO-892)

2) Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) Information Disclosure Statement(s) (PTO-1449) Paper No(s) 6.

4) Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.

5) Notice of Informal Patent Application (PTO-152)

6) Other: \_\_\_\_\_.

**DETAILED ACTION**

***Response to Amendment***

1. The present Office Action is in response to Amendment filed 16 October 2003.
2. Claims 1-20 and 22-25 are pending in the present application. All claims have been examined.

***Information Disclosure Statement***

4. The information disclosure statement (IDS) submitted on 20 October 2003 was filed after the mailing date of the Office action. The submission is in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement is being considered by the Examiner.

***Drawings***

5. Objections to the Drawings have been overcome with the corrections filed in the present Amendment.

***Specification***

6. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed. Appropriate correction is required.
7. Objections to the Specification due to minor informalities have been overcome.

***Claim Rejections - 35 USC § 112***

8. Rejections under 35 U.S.C. 112, second paragraph have been overcome with the corrections filed in the present Amendment.

***Claim Rejections - 35 USC § 103***

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10. Claims 1-10, 13 and 23-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Holshouser [US 6,282,433 B1].

Regarding claim 1, Holshouser teaches a system providing a wireless day planner (see Abstract; Fig. 3). The cited system includes a first communication device (see “RF module”; Fig. 3), a second communication device (see “IR module”), a processor (see “APU”; col. 2, lines 48-50) and an interface coupled to the communication device (see Figs. 1-3; col. 2, lines 54-55). In the prior art system, the communication devices, the interface, and the processor are coupled together (see Fig. 3). Holshouser teaches physically remote devices in wireless communication with the first communication device (see col. 2, lines 66-67; col. 3, lines 8-10). In addition, the second communication device (see Fig. 3, “36”) allows communication with “a nearby device” (see col. 3, lines 4-5). However, the cited prior art does not explicitly teach the system providing a “portfolio”. Nonetheless, it should be noted that the cited reference teaches the system having

its elements together within a housing (see col. 2, line 46). It would have been obvious to one of ordinary skill in the art at the time the invention was made that the “portfolio”, as claimed, constituted a type of housing, as disclosed by Holshouser.

As for claim 2, the cited prior art teaches the system integrating the communication devices, the interface, and the processor in communicative proximity to each other (see Fig. 3).

As for claim 3, the communication devices disclosed by Holshouser are adapted to communicate wirelessly with a computing device (see col. 3, lines 4-6; col. 5, lines 46, 51 and 55).

As for claim 4, the communication devices disclosed by Holshouser are adapted to communicate wirelessly with a communications network (see Abstract).

As for claim 5, the communication devices in the prior art are transceivers (see Abstract; Figure 3, “Tx/Rx”).

In consideration of claim 6, Holshouser does not teach the communication devices as adapted to communicate wirelessly with a Cellular Digital Packet Data communications network. Nonetheless, Holshouser teaches wireless communication over a network (see Abstract). Furthermore, the system disclosed in the cited prior art includes a cellular telephone as part of the disclosure (see col. 1, line 51). It is well known that CDPD (Cellular Digital Packet Data) is a protocol for wireless two-way transmission, which was developed for cellular phone

frequencies. Therefore, since Holshouser teaches a cellular telephone as part of its system, it would have been obvious to one of ordinary skill in the art at the time of the invention, to communicate information using CDPD protocol, since it is a well known wireless standard.

As for claim 7, the cited prior art teaches a Local Area Network (LAN) wireless connection (see Abstract; col. 1, lines 27-28).

As for claim 8, Holshouser teaches a wireless connection to a network (see Abstract). However, the cited art does not specify the network as being a Wide Area Network (WAN). It is known in the art that WAN are networks which connect LAN (Local Area Networks). Accordingly, Holshouser teaches a LAN wireless connection (see col. 3, lines 13-14). One of ordinary skill in the art would have been motivated to connect the cited system to a WAN (e.g. internet), since it would allow communication with multiple users and computers in different locations.

As for claim 9, Holshouser teaches a communication device adapted to communicate wirelessly with a Global Positioning System (GPS) (see col. 3, line 17).

As for claim 10, the system disclosed in the cited prior art teaches a data entry coupled to the interface (see Figure 3, “26”).

As for claim 13, although a “thin-client” is not expressly included in the disclosure, Holshouser teaches enabling the interface to receive an external device (see col. 2, lines 65-66; see Fig. 3,

“30”). It is well known in the art that a “thin-client” is an example of an external device, which would have been connected to the prior art interface.

Regarding claim 23, this constitutes a variation of the wireless day planner portfolio system disclosed in previous claims. The combination of references as exposed in the present Office action, teaches or suggests the limitations corresponding to the system. Accordingly the present claim is rejected under the same rationale.

As for claims 24-25, these are dependent upon claim 23. Accordingly, claims 23-25 are directed to a variation of a previously rejected wireless day planner portfolio system. The combination of references as exposed in the present Office action, teaches or suggests the limitations corresponding to the system. Therefore, these claims are rejected under the same rationale.

11. Claims 11-12 and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Holshouser [US 6,282,433 B1] in view of Wang et al. [US 5,786,921].

As for claims 11 and 12, Holshouser does not explicitly teach a (LED) Light Emitting Diode coupled to the processor to provide wireless communication status. The cited prior art does teach wireless communication (see Abstract). In addition, the prior art system includes display, indicating information to the user (see col. 2, lines 56-57). Wang et al. teaches wireless communication (see Abstract). Wang et al. also teaches the use of LED to indicate status information (see col. 18, lines 23-28). Accordingly, one of ordinary skill in the art would have

been motivated to incorporate an LED into the Holshouser disclosure in order to indicate wireless communication status information, since LED provides a display as an indication.

Regarding claim 22, Holshouser teaches a system providing a wireless day planner (see Abstract; Fig. 3). The cited system includes a wireless device (see “RF module”; Fig. 3), an infrared (see “IR module”), a processor (see “APU”; col. 2, lines 48-50) and an interface coupled to the communication device (see Figs. 1-3; col. 2, lines 54-55). In the prior art system, the communication devices, the interface, and the processor are coupled together (see Fig. 3). Holshouser teaches physically remote devices in wireless communication with the first communication device (see col. 2, lines 66-67; col. 3, lines 8-10). In addition, the second communication device (see Fig. 3, “36”) allows communication with “a nearby device” (see col. 3, lines 4-5). However, the cited prior art does not explicitly teach the system providing a “portfolio”. Nonetheless, it should be noted that the cited reference teaches the system having its elements together within a housing (see col. 2, line 46). It would have been obvious to one of ordinary skill in the art at the time the invention was made that the “portfolio”, as claimed, constituted a type of housing, as disclosed by Holshouser. In another aspect of the claim, Holshouser does not explicitly teach a (LED) Light Emitting Diode coupled to the processor to provide wireless communication status. The cited prior art does teach wireless communication (see Abstract). In addition, the prior art system includes display, indicating information to the user (see col. 2, lines 56-57). Wang et al. teaches wireless communication (see Abstract). Wang et al. also teaches the use of LED to indicate status information (see col. 18, lines 23-28). Accordingly, one of ordinary skill in the art would have been motivated to incorporate an LED

into the Holshouser disclosure in order to indicate wireless communication status information, since LED provides a display as an indication.

12. Claims 14-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Holshouser [US 6,282,433 B1] in view of Vook et al. [US 5,636,220].

Considering claim 14, Holshouser teaches a communication device (see Fig. 3), an interface coupled to the communication device (see Figs. 1-3; col. 2, lines 54-55), a processor coupled to the communication device (see col. 2, lines 51-52), and a data entry system coupled to the interface (see Fig. 3; col. 2, line 55). However, the cited prior art does not explicitly teach the system as being a “wireless portfolio”. Nonetheless, it should be noted that the cited reference teaches the system having its elements together within a housing (see col. 2, line 46). It would have been obvious to one of ordinary skill in the art at the time the invention was made that the “portfolio”, as claimed, constituted a type of housing, as disclosed by Holshouser. Holshouser however fails to explicitly teach a “first device” being “physically remote from the interface” which “may wirelessly communicate with a second device that is physically remote from the interface via the communication device”. Vook et al. teaches a wireless network (see Title). Holshouser also teaches the communication device as being connected to a “local area network”. As part of the network, Vook et al. teaches a device, which may allow a first and second device to communicate (see Figure 2; col. 2, lines 35-37). In order to implement a wireless network, one of ordinary skill in the art would have been motivated combine the references and therefore possibly allow communication between devices which are “physically remote” from an interface.

As for claim 15, Holshouser teaches enabling the interface to receive an external device (see col. 2, lines 65-66; see Fig. 3, “30”). It is well known in the art that a “thin-client” is an example of an external device, which would have been connected to the prior art interface.

As for claims 17 and 18, the cited art does not mention a “wireless portfolio” supporting a “Blue Tooth Protocol” or an “Infra Red Data Association (IRDA) IR Comm Protocol”. As for claim 17, it is well known in the art that “Blue Tooth” is a specification for short-range communication among computing devices. Regarding claim 18, “Infra Red Data Association (IRDA) IR Communication Protocol” allows a computing device (e.g. computer, laptop, PDA) to communicate with other devices via infrared. Holshouser teaches infrared communication, as part of its disclosure (see col. 2, line 9; col. 3, lines 4-6). Accordingly, it would have been obvious to one of ordinary skill in the art at the time of the invention to specify a protocol for wireless communication and infrared communication in order to allow proper communication with other devices, as disclosed by Holshouser.

As for claims 18 and 19, the prior art device transceives audio (see col. 3, lines 32-33) and data (see Abstract) information.

13. Claim 20 is rejected under 35 U.S.C. 103(a) as being unpatentable over Holshouser [US 6,282,433 B1] in view of Ghirnikar et al. [US 6,216,001 B1].

Regarding claim 20, Holshouser teaches a system providing a wireless day planner (see Abstract; Fig. 3). The cited system includes means for communication (see Fig. 3), means for transmitting a wireless signal (see Abstract). However, the cited prior art does not explicitly teach the system providing a “portfolio”. Nonetheless, it should be noted that the cited reference teaches the system having its elements together within a housing (see col. 2, line 46). It would have been obvious to one of ordinary skill in the art at the time the invention was made that the “portfolio”, as claimed, constituted a type of housing, as disclosed by Holshouser. The cited reference does not include means for monitoring a wireless communication status. Nonetheless, Ghirnikar et al teaches service level indication in a wireless communication device (see Title; col. 5, lines 37-47; col. 7, lines 11-15). At the time of the invention, one of ordinary skill in the art would have been motivated to combine the cited disclosure, in order to allow “the user of the wireless communication device” to have an “appropriate expectation off his/her current ability to originate and/or receive messages by way of the wireless communication device” (see Ghirnikar et al., col. 2, lines 4-7).

***Response to Arguments***

14. Applicant's arguments filed 16 October 2003, regarding claims 1-10 and 13 have been fully considered but they are not persuasive. Accordingly, Examiner maintains his position as stated in previous Office action.

15. Applicant's arguments with respect to claims 11-12 and 14-20 have been considered but are moot in view of the new ground(s) of rejection.

In the remarks, applicants argued in substance that the prior art does not teach a first and second device that are physically remote to communicate with a first and second communication devices. Examiner respectfully disagrees. Considering claim 1, Figure 3 in Holshouser explicitly teaches a communication device including two separate components. A wireless transceiver and an infrared device are disclosed. These elements allow communication with external devices. Claim 1 does not mention a first device that is physically remote in communication with a second device that is physically remote via a portfolio system communication device. Examiner acknowledges that claim 14 does include the limitation above, but only in the alternative (see "may"). Therefore, the cited limitation is not positively recited in the claim. New claims 22-25 are directed to variations of the portfolio system. Accordingly, these claims are rejected under the same rationale.

### *Conclusion*

16. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37

CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Angel L. Casiano whose telephone number is 703-305-8301. The examiner can normally be reached on 8:00-5:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffrey Gaffin can be reached on 703-308-3301. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

alc  
30 December 2003



JEFFREY GAFFIN  
SUPERVISORY PATENT EXAMINER  
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